

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**JAMES RIVER EQUIPMENT,
VIRGINIA, LLC, a Virginia Limited
Liability Company,**

PLAINTIFF,

v.

**Civil Action No. 5:13-cv-28160
Honorable Irene Berger**

**JUSTICE ENERGY COMPANY, INC. a
West Virginia Corporation,**

DEFENDANT.

**PLAINTIFF JAMES RIVER EQUIPMENT VIRGINIA LLC'S
WRITTEN STATEMENT REGARDING WHETHER THE
DEFENDANT HAS FULLY AND FAITHFULLY
COMPLIED WITH THE TERMS OF THE MAY 22, 2015 ORDER**

NOW COMES Plaintiff James River Equipment Virginia, LLC and pursuant to this Honorable Court's Order of January 25, 2016 provides the following Report:

1. James River Equipment Virginia, LLC incorporates by reference its previously filed "Memorandum of Law in Support of Plaintiff James River Equipment Virginia, LLC's Second Motion for Contempt and Motion for Sanction of Imprisonment", *See docket No. 54*.
2. On May 20, 2015, this Honorable Court held a hearing, pursuant to an Order to Show Cause, entered on May 11, 2015. At said hearing, the Court entered an Order requiring production of any documents reflecting the assumption of Defendant's debts and liability, if any, from a recent transaction with Mechel North America, Mechel Bluestone Inc. and/or Mechel North America Sales Corporation, all of which maintain local addresses of 100 Cranberry Creek Drive, Beckley, West Virginia 25801. Pursuant to this Honorable Court's May 22, 2015 Order, the Defendant was required to produce any such documents within fourteen (14) days

of entry of the Order. This May 22, 2015, Order mirrored the documents requested by James River Equipment Virginia, LLC in a subpoena issued to Justice Energy Company on March 18, 2015, requiring Justice Energy Company to produce “a copy of any agreements or contracts whereby the liabilities of Justice Energy Company, Inc., or its shareholders, parent companies, principals, or owners were assumed”. *See docket No. 30-1.*

3. Following entry of this Honorable Court’s May 22, 2015 Order, the Defendant made no effort to comply with the Order and has provided the Plaintiff with no documents that comply with the Order.
4. The parties did make some progress towards resolution of this action. However, Defendant Justice Energy has breached any resolution of the matter.
5. Specifically, on October 14, 2015, Roman Semenov, General Counsel /Director/Secretary of Justice Energy Company reached out to counsel for the Plaintiff inquiring regarding a payment plan over a six (6) month timeframe in order to resolve this action.
6. On October 14, 2015, counsel for the Plaintiff proposed a payment plan that would involve six (6) monthly payments, commencing on November 1, 2015, in the amount of \$30,000.00 per payment, in order to resolve the action.
7. The Defendant accepted the offer and on October 19, 2015, counsel for the Plaintiff forwarded electronic correspondence to Roman Semenov providing Mr. Semenov with a draft copy of a Joint Motion to Stay Action, to Withdraw Plaintiff James River Equipment’s Motion for Contempt and Motion for Sanctions seeking Justice Energy Company’s approval, in order to file the pleading with the Court.
8. Upon hearing no response from Mr. Semenov, on October 23, 2015, an additional copy of the Joint Motion was forwarded to Mr. Semenov. However, again no response was ever

received.

9. Defendant Justice Energy Company, Inc. made timely payments of \$30,000.00 on or before November 1, 2015 and on or before December 1, 2015. However, the Defendant has failed to make its January 1, 2016 payment.
10. On January 5, 2016 this Honorable Court entered a Memorandum Order and Opinion ruling upon Plaintiff James River Equipment Virginia, LLC's Second Motion for Contempt and Motion for Sanction of Imprisonment of Officers and Directors until Justice Energy Company, Inc. complies with the Court Order.
11. Following receipt of the Court's January 5, 2016 correspondence, counsel for the Plaintiff forwarded electronic correspondence to Roman Semenov, attaching a copy of the Court's January 5, 2016 Order and informing Justice Energy Company, Inc., that it had failed to make the January 1, 2016 payment. At that time, counsel for the Plaintiff offered to file a Motion with the Court requesting a stay of the enforcement of the January 5, 2016 Order, pending the final payments being made. However, as has been the case with most of litigation, Justice Energy Company, Inc., has failed and/or refused to respond to the Plaintiff.
See Email attached as Exhibit A
12. Since forwarding the electronic correspondence to Mr. Semenov, there has been no additional communication and the Defendant has yet to make its agreed upon payments.
13. It is James River Equipment Virginia, LLC's position that the Defendant has now breached the settlement that was reached and it is appropriate for it to move forward with collection proceedings against the Defendant, as well as this Honorable Court moving forward with the appropriate sanctions against Justice Energy Company, Inc. for its continual failure to comply with this Honorable Court's Order between the timeframes of May 22, 2015 and the

time of the settlement, as well as from the time of January 6, 2016, through the present, until compliance.

Respectfully submitted,

**JAMES RIVER EQUIPMENT, VIRGINIA,
LLC
By Counsel,**

/s/ Jason S. Hammond
Jason S. Hammond (WV Bar #8042)
BAILEY & WYANT, PLLC
500 Virginia Street, East, Suite 600
Post Office Box 3710
Charleston, West Virginia 25337-3710
T: 304.345.4222
F: 304.343.3133
jhammond@baileywyant.com

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing “ **PLAINTIFF JAMES RIVER EQUIPMENT VIRGINIA LLC'S WRITTEN STATEMENT REGARDING WHETHER THE DEFENDANT HAS FULLY AND FAITHFULLY COMPLIED WITH THE TERMS OF THE MAY 22, 2015 ORDER**” was served upon the following parties through the Court’s Electronic Case Filing (ECF) system, and U.S. Mail on this day, Monday, February 1, 2016:

Justice Energy Company, Inc.
c/o Roman Semenov
100 Cranberry Creek Drive
Beckley, West Virginia 25801

/s/ Jason S. Hammond

**Jason S. Hammond (WV Bar #8042)
BAILEY & WYANT, PLLC
500 Virginia Street, East, Suite 600
Post Office Box 3710
Charleston, West Virginia 25337-3710
T: (304) 345-4222
F: (304) 343-3133
Jhammond@baileywyant.com**